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PCT

From the INTERNATIONAL BUREAU

**SECOND AND SUPPLEMENTARY NOTICE
INFORMING THE APPLICANT OF THE
COMMUNICATION OF THE INTERNATIONAL
APPLICATION (TO DESIGNATED OFFICES
WHICH APPLY THE 30 MONTH TIME
LIMIT UNDER ARTICLE 22(1))**

(PCT Rule 47.1(c))

To:

OGILVY RENAULT
Suite 1600
1981 McGill College Avenue
Montréal, Québec H3A 2Y3
CANADA



IMPORTANT NOTICE

Date of mailing (day/month/year)
28 July 2005 (28.07.2005)

Applicant's or agent's file reference
6013-129PCT M

International application No.
PCT/CA2004/000451

International filing date (day/month/year)
25 March 2004 (25.03.2004)

Priority date (day/month/year)
28 March 2003 (28.03.2003)

Applicant

UNIVERSITÉ LAVAL et al

1. **ATTENTION:** For any designated Office(s), for which the time limit under Article 22(1), as in force from 1 April 2002 (30 months from the priority date), **does not apply**, please see Form PCT/IB/308(First Notice) issued previously.
2. Notice is hereby given that the following designated Office(s), for which the time limit under Article 22(1), as in force from 1 April 2002, **does apply**, has/have requested that the communication of the international application, as provided for in Article 20, be effected under Rule 93bis.1. The International Bureau has effected that communication on the date indicated below:
07 October 2004 (07.10.2004)

AU, AZ, BY, CN, CO, DZ, EP, HU, KG, KP, KR, MD, MK, MZ, NA, RU, SY, TM, US

In accordance with Rule 47.1(c-bis)(i), those Offices will accept the present notice as conclusive evidence that the communication of the international application has duly taken place on the date of mailing indicated above and no copy of the international application is required to be furnished by the applicant to the designated Office(s).

3. The following designated Offices, for which the time limit under Article 22(1), as in force from 1 April 2002, does apply, have not requested, as at the time of mailing of the present notice, that the communication of the international application be effected under Rule 93bis.1 :

AE, AG, AL, AM, AP, AT, BA, BB, BG, BR, BW, BZ, CA, CR, CU, CZ, DE, DK, DM, EA, EC, EE, EG, ES, FI, GB, GD, GE, GH, GM, HR, ID, IL, IN, IS, JP, KE, KZ, LC, LK, LR, LS, LT, LV, MA, MG, MN, MW, MX, NI, NO, NZ, OA, OM, PG, PH, PL, PT, RO, SC, SD, SG, SK, SL, TJ, TN, TR, TT, UA, UZ, VC, VN, YU, ZA, ZW

In accordance with Rule 47.1(c-bis)(ii), those Offices accept the present notice as conclusive evidence that the Contracting State for which that Office acts as a designated Office does not require the furnishing, under Article 22, by the applicant of a copy of the international application.

- #### 4. TIME LIMITS for entry into the national phase

For the designated or elected Office(s) listed above, the applicable time limit for entering the national phase will, **subject to what is said in the following paragraph, be 30 MONTHS** from the priority date.

In practice, time limits other than the 30-month time limit will continue to apply, for various periods of time, in respect of certain of the designated or elected Office(s) listed above. For regular updates on the applicable time limits (30 or 31 months, or other time limit), Office by Office, refer to the *PCT Gazette*, the *PCT Newsletter* and the *PCT Applicant's Guide*, Volume II, National Chapters, all available from WIPO's Internet site, at <http://www.wipo.int/pct/en/index.html>.

It is the applicant's sole responsibility to monitor all these time limits.

The International Bureau of WIPO
34, chemin des Colombettes
1211 Geneva 20, Switzerland

Facsimile No.+41 22 740 14 35

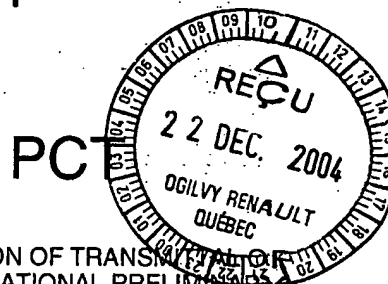
Authorized officer

Athina Nickitas-Etienne

Facsimile No.+41 22 338 89 95

PATENT COOPERATION TREATY

From the
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY



To:

OGILVY RENAULT
Suite 1600
1981 McGill College Avenue
Montréal, Québec H3A 2Y3
CANADA

NOTIFICATION OF TRANSMISSION OF
THE INTERNATIONAL PRELIMINARY
REPORT ON PATENTABILITY

(PCT Rule 71.1)

Date of mailing
(day/month/year) 16.12.2004

Applicant's or agent's file reference
6013-129PCT

IMPORTANT NOTIFICATION

International application No.
PCT/CA2004/000451

International filing date (day/month/year)
25.03.2004

Priority date (day/month/year)
28.03.2003

Applicant
UNIVERSITE LAVAL et al.

1. The applicant is hereby notified that this International Preliminary Examining Authority transmits herewith the international preliminary report on patentability and its annexes, if any, established on the international application.
2. A copy of the report and its annexes, if any, is being transmitted to the International Bureau for communication to all the elected Offices.
3. Where required by any of the elected Offices, the International Bureau will prepare an English translation of the report (but not of any annexes) and will transmit such translation to those Offices.
4. **REMINDER**

The applicant must enter the national phase before each elected Office by performing certain acts (filing translations and paying national fees) within 30 months from the priority date (or later in some Offices) (Article 39(1)) (see also the reminder sent by the International Bureau with Form PCT/IB/301).

Where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary report on patentability. It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned.

For further details on the applicable time limits and requirements of the elected Offices, see Volume II of the PCT Applicant's Guide.

The applicant's attention is drawn to Article 33(5), which provides that the criteria of novelty, inventive step and industrial applicability described in Article 33(2) to (4) merely serve the purposes of international preliminary examination and that "any Contracting State may apply additional or different criteria for the purposes of deciding whether, in that State, the claimed inventions is patentable or not" (see also Article 27(5)). Such additional criteria may relate, for example, to exemptions from patentability, requirements for enabling disclosure, clarity and support for the claims.

Name and mailing address of the international preliminary examining authority:



European Patent Office
D-80298 Munich
Tel. +49 89 2399 - 0 Tx: 523656 epmu d
Fax: +49 89 2399 - 4465

Authorized Officer

Nielsen-Hannerup, A
Tel. +49 89 2399-7739





PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 6013-129PCT		FOR FURTHER ACTION		See Form PCT/PEA/416
International application No. PCT/CA2004/000451		International filing date (day/month/year) 25.03.2004	Priority date (day/month/year) 28.03.2003	
International Patent Classification (IPC) or national classification and IPC A61K38/17, A61K38/19, A61P35/00				
Applicant UNIVERSITE LAVAL et al.				
<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 4 sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input type="checkbox"/> sent to the applicant and to the International Bureau a total of sheets, as follows:</p> <p><input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in Item 4 of Box No. I and the Supplemental Box.</p> <p>b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) , containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p>				
<p>4. This report contains indications relating to the following items:</p> <p><input checked="" type="checkbox"/> Box No. I Basis of the opinion</p> <p><input type="checkbox"/> Box No. II Priority</p> <p><input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p><input type="checkbox"/> Box No. IV Lack of unity of invention</p> <p><input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p><input type="checkbox"/> Box No. VI Certain documents cited</p> <p><input type="checkbox"/> Box No. VII Certain defects in the international application</p> <p><input checked="" type="checkbox"/> Box No. VIII Certain observations on the international application</p>				
Date of submission of the demand 06.10.2004		Date of completion of this report 16.12.2004		
Name and mailing address of the International preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465		Authorized Officer Ludwig, G Telephone No. +49 89 2399-8698 		

**INTERNATIONAL PRELIMINARY REPORT
ON PATENTABILITY**

International application No.
PCT/CA2004/000451

Box No. I Basis of the report

1. With regard to the **language**, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
 - ☐ This report is based on translations from the original language into the following language, which is the language of a translation furnished for the purposes of:
 - ☐ international search (under Rules 12.3 and 23.1(b))
 - ☐ publication of the international application (under Rule 12.4)
 - ☐ international preliminary examination (under Rules 55.2 and/or 55.3)
2. With regard to the **elements*** of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:

Description, Pages

1-14 as originally filed

Claims, Numbers

1-26 as originally filed

Drawings, Sheets

1/5-5/5 as originally filed

- ☐ a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing

3. ☐ The amendments have resulted in the cancellation of:
 - ☐ the description, pages
 - ☐ the claims, Nos.
 - ☐ the drawings, sheets/figs
 - ☐ the sequence listing (*specify*):
 - ☐ any table(s) related to sequence listing (*specify*):
4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
 - ☐ the description, pages
 - ☐ the claims, Nos.
 - ☐ the drawings, sheets/figs
 - ☐ the sequence listing (*specify*):
 - ☐ any table(s) related to sequence listing (*specify*):

* If item 4 applies, some or all of these sheets may be marked "superseded."

**INTERNATIONAL PRELIMINARY REPORT
ON PATENTABILITY**

International application No.
PCT/CA2004/000451

Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	1-26
	No: Claims	
Inventive step (IS)	Yes: Claims	1-26
	No: Claims	
Industrial applicability (IA)	Yes: Claims	1-26 (cf. text)
	No: Claims	

2. Citations and explanations (Rule 70.7):

see separate sheet

Box No. VIII Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

see separate sheet

**INTERNATIONAL PRELIMINARY
REPORT ON PATENTABILITY
(SEPARATE SHEET)**

International application No.

PCT/CA2004/000451

Re Item V.

The following document is referred to in this communication:

D1 : WO 2004/004770 A (RYCKMAN CARLE ; ROULEAU PASCAL (CA);
VANDAL KAREN (CA); TESSIER PHILIP) 15 January 2004 (2004-01-15)

cf. the citations indicated in the International search report

1. The priority of the application is regarded as valid.

The only relevant prior art document appears to be P-document D1.

It is noted that in case that P-document D1 would enter the national European phase claims 1-2, 4-5, 8-10, 13-15, 17-18, 21-22 and 23-26 would not be regarded as novel for those States designated.

2. For the assessment of the present claims 1-13 on the question whether they are industrially applicable, no unified criteria exist in the PCT Contracting States. The patentability can also be dependent upon the formulation of the claims. The EPO, for example, does not recognize as industrially applicable the subject-matter of claims to the use of a compound in medical treatment, but may allow, however, claims to a known compound for first use in medical treatment and the use of such a compound for the manufacture of a medicament for a new medical treatment.

Re Item VIII.

3. Claims 1 and 14 are not clear since the disease to be treated is not clearly defined.
4. It appears that in claims 23 and 25 *pharmaceutical* compositions are intended which should be indicated in the claims for the sake of clarity.

PATENT COOPERATION TREATY

PCT

INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference 6013-129PCT	FOR FURTHER ACTION see Form PCT/ISA/220 as well as, where applicable, Item 5 below.	
International application No. PCT/CA2004/000451	International filing date (day/month/year) 25/03/2004	(Earliest) Priority Date (day/month/year) 28/03/2003
Applicant UNIVERSITE LAVAL		

This International Search Report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This International Search Report consists of a total of 03 sheets.

☒ It is also accompanied by a copy of each prior art document cited in this report.

1. Basis of the report

- a. With regard to the language, the international search was carried out on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

☐ The international search was carried out on the basis of a translation of the international application furnished to this Authority (Rule 23.1(b)).

- b. ☐ With regard to any nucleotide and/or amino acid sequence disclosed in the international application, see Box No. I.

2. ☐ Certain claims were found unsearchable (See Box II).

3. ☐ Unity of invention is lacking (see Box III).

4. With regard to the title,

☐ the text is approved as submitted by the applicant.

☒ the text has been established by this Authority to read as follows:

S100 PROTEIN AS NEUTROPHIL ACTIVATOR FOR ALLEVIATING NEUTROPENIA IN CANCER TREATMENT

5. With regard to the abstract,

☒ the text is approved as submitted by the applicant.

☐ the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box No. IV. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.

6. With regards to the drawings,

- a. the figure of the drawings to be published with the abstract is Figure No. _____

☐ as suggested by the applicant.

☐ as selected by this Authority, because the applicant failed to suggest a figure.

☐ as selected by this Authority, because this figure better characterizes the invention.

- b. ☒ none of the figures is to be published with the abstract.

PATENT COOPERATION TREATY

PCT

INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference 6013-129PCT	FOR FURTHER ACTION <small>see Form PCT/ISA/220 as well as, where applicable, Item 5 below.</small>	
International application No. PCT/CA2004/000451	International filing date (day/month/year) 25/03/2004	(Earliest) Priority Date (day/month/year) 28/03/2003
Applicant UNIVERSITE LAVAL		

This International Search Report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This International Search Report consists of a total of 03 sheets.

☒ It is also accompanied by a copy of each prior art document cited in this report.

1. Basis of the report

a. With regard to the language, the international search was carried out on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

☐ The international search was carried out on the basis of a translation of the international application furnished to this Authority (Rule 23.1(b)).

b. ☐ With regard to any nucleotide and/or amino acid sequence disclosed in the international application, see Box No. I.

2. ☐ Certain claims were found unsearchable (See Box II).

3. ☐ Unity of invention is lacking (see Box III).

4. With regard to the title,

☐ the text is approved as submitted by the applicant.

☒ the text has been established by this Authority to read as follows:

S100 PROTEIN AS NEUTROPHIL ACTIVATOR FOR ALLEVIATING NEUTROPENIA IN CANCER TREATMENT

5. With regard to the abstract,

☒ the text is approved as submitted by the applicant.

☐ the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box No. IV. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.

6. With regards to the drawings,

a. the figure of the drawings to be published with the abstract is Figure No. _____

☐ as suggested by the applicant.

☐ as selected by this Authority, because the applicant failed to suggest a figure.

☐ as selected by this Authority, because this figure better characterizes the invention.

b. ☒ none of the figures is to be published with the abstract.

INTERNATIONAL SEARCH REPORT

International Application No

PCT/CA2004/000451

A. CLASSIFICATION OF SUBJECT MATTER

IPC 7 A61K38/17 A61K38/19 A61P35/00

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

IPC 7 A61K

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

EPO-Internal, WPI Data, PAJ, MEDLINE, BIOSIS, EMBASE, CHEM ABS Data

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
P, X	<p>WO 2004/004770 A (RYCKMAN CARLE ; ROULEAU PASCAL (CA); VANDAL KAREN (CA); TESSIER PHILIP) 15 January 2004 (2004-01-15)</p> <p>claims 1-13</p>	<p>1, 2, 4, 5, 8-10, 13-15, 17, 18, 21-26</p>

☐ Further documents are listed in the continuation of box C.☒ Patent family members are listed in annex.

* Special categories of cited documents:

- *A* document defining the general state of the art which is not considered to be of particular relevance
- *E* earlier document but published on or after the international filing date
- *L* document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)
- *O* document referring to an oral disclosure, use, exhibition or other means
- *P* document published prior to the international filing date but later than the priority date claimed

T later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention

X document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone

Y document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.

G document member of the same patent family

Date of the actual completion of the international search

16 July 2004

Date of mailing of the international search report

27/07/2004

Name and mailing address of the ISA

European Patent Office, P.B. 5818 Patentlaan 2
NL - 2280 HV Rijswijk
Tel. (+31-70) 340-2040, Tx. 31 651 epo nl,
Fax: (+31-70) 340-3016

Authorized officer

Ludwig, G

RECORD COPY

6013-129PCT

1/4

PCT REQUEST

Original (for SUBMISSION)

0	For receiving Office use only:	
0-1	International Application No.	PCT/CA 2004000451
0-2	International Filing Date	25 MARCH 2004 25-03-04
0-3	Name of receiving Office and "PCT International Application"	RO/CA
0-4	Form - PCT/RO/101 PCT Request	
0-4-1	Prepared Using	PCT-SAFE [EASY mode] Version 3.50 (Build 0002.150)
0-5	Petition The undersigned requests that the present international application be processed according to the Patent Cooperation Treaty	
0-6	Receiving Office (specified by the applicant)	Canadian Patent Office (RO/CA)
0-7	Applicant's or agent's file reference	6013-129PCT
I	Title of Invention	NEUTROPHIL ACTIVATOR AND USES THEREOF
II	Applicant	
II-1	This person is:	applicant only
II-2	Applicant for	all designated States except US
II-4	Name:	UNIVERSITÉ LAVAL
II-5	Address:	Cité universitaire Québec, Québec G1K 7P4 Canada
II-6	State of nationality	CA
II-7	State of residence	CA
II-8	Telephone No.	(418) 656-2131 poste 1350
II-9	Facsimile No.	(418) 656-2506
III-1	Applicant and/or inventor	
III-1-1	This person is:	applicant and inventor
III-1-2	Applicant for	US only
III-1-4	Name (LAST, First)	TESSIER, Philippe
III-1-5	Address:	1056 de St-Sébastien Cap-Rouge, Québec G1Y 2S5 Canada
III-1-6	State of nationality	CA
III-1-7	State of residence	CA

6013-129PCT-

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PCT REQUEST

Original (for SUBMISSION)

III-2	Applicant and/or Inventor	
III-2-1	This person is:	applicant and inventor
III-2-2	Applicant for	US only
III-2-4	Name (LAST, First)	VANDAL, Karen
III-2-5	Address:	440, rue Des Champs Lac St-Charles, Québec G3G 1M7 Canada
III-2-6	State of nationality	CA
III-2-7	State of residence	CA
III-3	Applicant and/or Inventor	
III-3-1	This person is:	applicant and inventor
III-3-2	Applicant for	US only
III-3-4	Name (LAST, First)	ROULEAU, Pascal
III-3-5	Address:	440, rue Des Champs Lac St-Charles, Québec G3G 1M7 Canada
III-3-6	State of nationality	CA
III-3-7	State of residence	CA
III-4	Applicant and/or Inventor	
III-4-1	This person is:	applicant and inventor
III-4-2	Applicant for	US only
III-4-4	Name (LAST, First)	RYCKMAN, Carle
III-4-5	Address:	1424, boul. Père-Lelièvre, apt. 102 Duberger, Québec G1M 1N9 Canada
III-4-6	State of nationality	CA
III-4-7	State of residence	CA
IV-1	Agent or common representative; or address for correspondence	
	The person identified below is hereby/ has been appointed to act on behalf of the applicant(s) before the competent International Authorities as:	agent
IV-1-1	Name:	OGILVY RENAULT
IV-1-2	Address:	Suite 1600 1981 McGill College Avenue Montréal, Québec H3A 2Y3 Canada
IV-1-3	Telephone No.	514-845-7126
IV-1-4	Facsimile No.	514-288-8389
IV-1-5	e-mail	swabey@ogilvyrenault.com

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PCT REQUEST

Original (for SUBMISSION)

V	DESIGNATIONS		
V-1	The filing of this request constitutes under Rule 4.9(a), the designation of all Contracting States bound by the PCT on the international filing date, for the grant of every kind of protection available and, where applicable, for the grant of both regional and national patents.		
VI-1	Priority claim of earlier national application		
VI-1-1	Filing date	28 March 2003 (28.03.2003)	
VI-1-2	Number	60/458,022	
VI-1-3	Country	US	
VII-1	International Searching Authority Chosen	European Patent Office (EPO) (ISA/EP)	
VIII	Declarations	Number of declarations	
VIII-1	Declaration as to the identity of the inventor	-	
VIII-2	Declaration as to the applicant's entitlement, as at the international filing date, to apply for and be granted a patent	-	
VIII-3	Declaration as to the applicant's entitlement, as at the international filing date, to claim the priority of the earlier application	-	
VIII-4	Declaration of inventorship (only for the purposes of the designation of the United States of America)	-	
VIII-5	Declaration as to non-prejudicial disclosures or exceptions to lack of novelty	-	
IX	Check list	number of sheets	electronic file(s) attached
IX-1	Request (including declaration sheets)	4	-
IX-2	Description	14	-
IX-3	Claims	3	-
IX-4	Abstract	1	✓
IX-5	Drawings	5	-
IX-7	TOTAL	27	
	Accompanying items	paper document(s) attached	electronic file(s) attached
IX-8	Fee calculation sheet	✓	-
IX-9	Original separate power of attorney	✓	-
IX-13	Priority document(s)	Item(s) VI-1	-
IX-17	PCT-SAFE physical media	-	✓
IX-19	Figure of the drawings which should accompany the abstract	None	
IX-20	Language of filing of the international application	English	

6013-129PCT

4/4

PCT REQUEST

Original (for SUBMISSION)

X-1	Signature of applicant, agent or common representative	
X-1-1	Name (LAST, First)	OGILVY RENAULT
X-1-2	Name of signatory	MARCOUX, Paul
X-1-3	Capacity	Patent Agent

FOR RECEIVING OFFICE USE ONLY

10-1	Date of actual receipt of the purported international application	
10-2	Drawings:	✓
10-2-1	Received	
10-2-2	Not received	
10-3	Corrected date of actual receipt due to later but timely received papers or drawings completing the purported international application	
10-4	Date of timely receipt of the required corrections under PCT Article 11(2)	
10-5	International Searching Authority	ISA/EP
10-6	Transmittal of search copy delayed until search fee is paid	

FOR INTERNATIONAL BUREAU USE ONLY

11-1	Date of receipt of the record copy by the International Bureau	
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PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

PCT

To:

see form PCT/ISA/220

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**
(PCT Rule 43*bis*.1)

Date of mailing
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference
see form PCT/ISA/220

FOR FURTHER ACTION
See paragraph 2 below

International application No.
PCT/CA2004/000451

International filing date (day/month/year)
25.03.2004

Priority date (day/month/year)
28.03.2003

International Patent Classification (IPC) or both national classification and IPC
A61K38/17, A61K38/19, A61P35/00

Applicant
UNIVERSITE LAVAL

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☒ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43*bis*.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☒ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1*bis*(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA:



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Authorized Officer

Ludwig, G

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**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/CA2004/000451

Box No. I Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
 - ☐ This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material:
 - ☐ a sequence listing
 - ☐ table(s) related to the sequence listing
 - b. format of material:
 - ☐ in written format
 - ☐ in computer readable form
 - c. time of filing/furnishing:
 - ☐ contained in the international application as filed.
 - ☐ filed together with the international application in computer readable form.
 - ☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/CA2004/000451

Box No. II Priority

1. ☒ The following document has not been furnished:

☒ copy of the earlier application whose priority has been claimed (Rule 43*bis*.1 and 66.7(a)).

☐ translation of the earlier application whose priority has been claimed (Rule 43*bis*.1 and 66.7(b)).

Consequently it has not been possible to consider the validity of the priority claim. This opinion has nevertheless been established on the assumption that the relevant date is the claimed priority date.

2. ☐ This opinion has been established as if no priority had been claimed due to the fact that the priority claim has been found invalid (Rules 43*bis*.1 and 64.1). Thus for the purposes of this opinion, the international filing date indicated above is considered to be the relevant date.

3. Additional observations, if necessary:

Box No. V Reasoned statement under Rule 43*bis*.1(a)(I) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	
	No: Claims	1-2,4-5,8-10,13-15,17-18,21-22,23-26
Inventive step (IS)	Yes: Claims	
	No: Claims	1-2,4-5,8-10,13-15,17-18,21-22,23-26
Industrial applicability (IA)	Yes: Claims	1-26 (cf.text)
	No: Claims	

2. Citations and explanations

see separate sheet

Box No. VI Certain documents cited

1. Certain published documents (Rules 43*bis*.1 and 70.10)

and /or

2. Non-written disclosures (Rules 43*bis*.1 and 70.9)

see form 210

Re Item V.

The following document is referred to in this communication:

D1 : WO 2004/004770 A (RYCKMAN CARLE ; ROULEAU PASCAL (CA);
VANDAL KAREN (CA); TESSIER PHILIP) 15 January 2004 (2004-01-15)

cf. the citations indicated in the International search report

1. Claims 1-2, 4-5, 8-10, 13-15, 17-18, 21-22 and 23-26 are not regarded as novel vis-a-vis P-document D1.
2. For the assessment of the present claims 1-13 on the question whether they are industrially applicable, no unified criteria exist in the PCT Contracting States. The patentability can also be dependent upon the formulation of the claims. The EPO, for example, does not recognize as industrially applicable the subject-matter of claims to the use of a compound in medical treatment, but may allow, however, claims to a known compound for first use in medical treatment and the use of such a compound for the manufacture of a medicament for a new medical treatment.